

## Appendix 1

### Civil Rights Compliance (Non-Discrimination)

All persons applying for or receiving benefits are protected against discrimination based on race, national origin, or disability. The Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act require that all health care benefits under the Medical Assistance program be provided on a nondiscriminatory basis.

Any of the following actions may be considered discriminatory treatment when based on race, national origin, or handicap:

- Denial of aid, care, services, or other benefits.
- Segregation or separate treatment.
- Restriction in any way of any advantage or privilege received by others. (There are some program restrictions based on eligibility classifications.)
- Treatment different from that given to others in the determination of eligibility.

#### 1. Title VI of the Civil Rights Act of 1964

This act requires that all health care benefits be provided on a nondiscriminatory basis and that decisions regarding the provision of services be made without regard to race, color, or national origin. Under this act, the following actions are prohibited, if made on the basis of race, color, or national origin: (1) denying services, financial aid, or other benefits that are provided as a part of your program; (2) providing services in a manner different from those provided to others under the program; (3) aggregating or separately treating clients; (4) treating individuals differently in eligibility determination or application for services; (5) selecting a site which has the effect of excluding individuals; (6) denying an individual's participation as a member of a planning or advisory board; (7) any other method or criteria of administering your program which has the effect of treating or affecting individuals in a discriminatory manner.

#### 2. Title VII of the Civil Rights Act of 1964

This act prohibits differential treatment, based solely on a person's race, color, sex, national origin, or religion, in the terms and conditions of employment. These conditions or terms of employment are: failure or refusal to hire, discharge, compensation and benefits, privileges of employment, segregation, classification, and the establishment of artificial or arbitrary barriers to employment.

#### 3. Federal Rehabilitation Act of 1973, Section 504

This act prohibits discrimination in both employment and service delivery based solely on a person's disability.

This act requires the provision of reasonable accommodations where the employer or service provider cannot show that the accommodation would impose an undue hardship in the delivery of the services. A reasonable accommodation is a device or service modification that will allow the disabled person to receive the benefits of your program. An undue hardship is a burden on the program that is not equal to the benefits of allowing that handicap person's participation.

A handicapped person means (1) any person who has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

In addition, Section 504 requires "program accessibility," which may mean building accessibility, outreach or other measures that allow for full participation of the handicapped individual. In determining program accessibility, the program or activity will be viewed in its entirety. In choosing a method of meeting accessibility requirements, the provider shall give priority to those methods that offer a person who is disabled with services that are provided in the most integrated setting appropriate.

#### 4. Americans with Disabilities Act of 1990

Under Title III of the ADA, any provider that operates an existing public accommodation has four specific requirements:

1. Remove barriers to make their goods and services available to and usable by the people with disabilities, to the extent that it is readily achievable to do so - in other words, to the extent that needed changes can be accomplished without much difficulty or expense.
2. Provide auxiliary aids and services so that people with sensory or cognitive disabilities have access to effective means of communication, unless doing so would fundamentally alter the operation or result in undue burdens.
3. Modify any policies, practices, or procedures that may be discriminatory or have a discriminatory effect, unless doing so would fundamentally alter the nature of the goods, services, facilities, or accommodations.
4. Ensure that there are no unnecessary eligibility criteria that tend to screen out or segregate individuals with disabilities or limit their full and equal enjoyment of the place of public accommodation.